

# FARMINGTON CITY COUNCIL MEETING

Wednesday, June 16, 2004

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Protem Susan T. Holmes, Council Members Rick Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Planner David Petersen, Keith Johnson, Finance Director, and Deputy Recorder Jeane Chipman. Due to the fact that Mayor Connors attended the South Davis County Council of Governments meeting, he arrived at 6:55 P.M. City Manager Max Forbush was excused.

Mayor Protem Holmes began discussion at 6:30 P.M. The following items were reviewed:

**Agenda Item #7– consideration of a request for “Youth Sports Use” at Heritage Park.** Council members were aware that there would be a great deal of public interest in the item.

**Agenda Item #10– ordinance adjusting the existing common boundary line between Farmington City and Fruit Heights.** It would be important to have all issues resolved before approval of the ordinance. Issues included sewer connections, drainage, fee distribution, reimbursement from the developer for culinary water supply, trail easements, and Compton Road connection.

**Agenda Item #4– consideration of ordinances amending the budget for FY ending June 30, 2004, adopting the budget for FY ending June 30, 2005, setting a proposed certified tax rate, and specifying public official’s compensation.** Keith Johnson stated there was no tax increase included in the current budget proposal. The State has not decided the certified tax rate yet, so the budget will have to be passed authorizing the Mayor to sign the ordinance and accepting the certified tax rate as provided by the State. The RDA and the MBA budgets are also available and will need to be considered during the evening.

**Agenda Item #5– consideration of an ordinance to amend the zoning ordinance to allow multi-family use in the Commercial Zone as a conditional use** and **Agenda Item #6– consideration of a request by R.K. Buie to rezone 6.8 acres in the Farmington Preserve from R-4 and BP to C.** Both Items #5 and #6 are closely related. Mr. Petersen stated that the home owners’ associations involved are somewhat complicated but that the Farmington City Attorney had reviewed the issues and offered an opinion. The Attorney felt that the applicant had received consent for the project from the legal agents. Mr. Petersen also stated the developer is a quality developer and that the issue before the Council was whether or not the project was good for Farmington.

## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor David M. Connors, Council Members Rick Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Planner David Petersen, Keith Johnson,

Finance Director, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. City Manager Max Forbush was excused.

**Mayor Connors** called the meeting to order at 7:20 P.M. The invocation was offered by **Sid Young** and the Pledge of Allegiance was led by **Kevin Bringhirst** of Scout Troop 455.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Rick Dutson** moved that the City Council approve the minutes of the June 2, 2004, City Council Meeting as corrected. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

**Rick Dutson** moved that the City Council approve minutes for the special City Council held June 9, 2004, with corrections as noted. **Larry Haugen** seconded the motion, which passed by unanimous vote.

### **REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported that the Planning Commission did not meet on June 10 because there was not a quorum of members available. Jordan White is planning to move, which will leave a vacancy on the Commission. The City has received applications for the position. A review committee was scheduled prior to City Council meeting on the 22<sup>nd</sup> of July. The vacancy will be announced again in the July *Newsletter*.

City Staff met with Mr. Thornblad. Mr. Petersen, Rulon Dutson, and Scott and Brent Russon brothers were in attendance at the meeting. The City had received an application from Russon Brothers for permission to build a mortuary on the Thornblad property. It was the general consensus of the City Council that Staff could post an overlapping public hearing notice for the agenda item, meaning hearings for both the City Council and the Planning Commission would be noticed concurrently.

Mr. Petersen stated that the rapid transit feasibility study was going forward. An open house had been held on June 2<sup>nd</sup>. The meeting was well attended by Farmington citizens. Another meeting will be held June 22<sup>nd</sup> to hear recommendation from Staff. Mr. Petersen stated that members of the City Council were invited to attend.

A study session to review the General Plan amendment will be held for both the City Council and the Planning Commission at 5:45 on June 24<sup>th</sup>.

### **PUBLIC HEARING: CONSIDER ORDINANCE FOR THE FOLLOWING:**

**-AMENDING THE FARMINGTON CITY BUDGET FOR FISCAL YEAR  
ENDING JUNE 30, 2004;**

**– ADOPTION OF THE FARMINGTON CITY BUDGET FOR FISCAL YEAR  
ENDING JUNE 30, 2005;  
– SETTING OF A PROPOSED CERTIFIED TAX RATE; AND  
–SPECIFYING PUBLIC OFFICIALS’ COMPENSATION (Agenda Item #4)**

**Keith Johnson** introduced the ordinance related to the budget. Mr. Johnson stated that the amended budget indicated the projected unrestricted fund balance meets state law requirements. Sales tax revenue during the past fiscal year was a little more than expected. Next year’s budget includes no proposed new taxes. Increases called for in the next fiscal year’s budget include cemetery and garbage fee increases. The certified tax rate has not yet been received from the State. Mr. Johnson suggested the ordinance be approved under the condition that the City will accept the certified tax rate as provided by the State. City expenditures are projected to increase by about 2.7 percent. City officials had worked hard to keep City expenditures in line with revenues.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Public Hearing Closed**

With no forthcoming comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mr. Young** stated the City Council had worked diligently for about three months on the details of the budget. He also stated that members of the Council had been working with County officials regarding improvements on the fire break road. There will likely need to be some funding for that project.

**Mayor Connors** stated the Council had gone through every item of the budget in fine detail. The final budget is the result of a great deal of work.

**Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-34, an ordinance amending the municipal budget for fiscal year ending 6-3-04; adopting a municipal budget for fiscal year ending 6-3-2005; adopting a compensation schedule for City officials and employees and adopting a proposed property tax levy for fiscal year ending 6-3-2005. **David Hale** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND THE ZONING  
ORDINANCE (COMMERCIAL ZONE TO ALLOW FOR MULTI-FAMILY USE IN THAT  
ZONE AS A CONDITIONAL USE (Agenda Item #5)**

**David Petersen** stated agenda items #5 and #6 were closely related. He presented a vicinity map and explained the request being made by the developer. The request was to amend the zoning text to allow a multiple family development. Mr. Petersen discussed the recommendation regarding the requested density allowance. The Planning Commission had officially recommended 18 dwelling units per acre. However, some members of the Commission felt that the impact between 18 and 20 dwelling units would be minimal. The Planning Commission recommended 18 dwelling units as a compromise in respect to the residents who were concerned about density. In a later discussion the Commission felt density was not the key issue. Rather, the important thing was the quality of the development and whether or not the project would be good for the City.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Leslie Foy** (1539 North Oakridge Park Drive) wanted to talk about existing traffic congestion in the area. There were already several large housing projects which used the same traffic access. Mr. Foy was opposed to the zone text change which would allow the apartment project.

**Kent Buie** (representing the R.K Buie Company, the applicant) presented site plans, including the location of access points. Only a portion of the site would be committed to the multi-family apartment units. The rest of the site would still be used for retail development. Mr. Buie felt that the project will be completed by a quality builder (Cowboy Partners). Traffic issues were always a concern for projects of this size. A traffic study had been conducted when the entire site was being considered for retail and office. At that time the level of service was sufficient to have the project go forward. Subsequently, traffic engineers had reviewed the plans. Given details of the new plans, the modified traffic design should easily accommodate the plans for the multi-family development. Mr. Buie stated that the architectural plans for the apartment complex offered unique housing units. One of the features was an interior auto court which would take parking off the street.

**Grant Anderson** (1523 Sweetwater Lane) wanted to make sure the developer would follow through with the plans as presented. Many promises by other developers had been given people living in the area which had been broken in the past.

**Mr. Petersen** stated that if zone text change occurs, the developer will be required to go through the conditional use application process which included reviews before the Planning Commission. The developer would also be required to post a bond to ensure public improvements related to the project are completed. The current Planning Commission is very thorough in all their deliberations and will go over every detail very carefully. Also, Mr. Petersen indicated that City Staff has confidence in Cowboy Partners because of past experience.

**Larry Elkins** 957 East 300 North) spoke in behalf of the builder, Cowboy Partners. The company has built projects all over the intermountain west with great success. Cowboy Partners do not build and then leave a project; they stay with the project and help to maintain it.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mayor Connors** stated that one thing the Council would need to decide was the density and whether the text should state 18 or 20 dwelling units per acre. According to the discussion held by the Planning Commission, it seemed the Council may consider allowing 20 dwelling units per acre.

**Mr. Hale** felt that the product looked to be high quality, however, it would still need to be marketable. If the 20 dwelling units per acre was required to make the project successful, he saw no problem with that number.

### **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-35, an ordinance amending Chapter 16 of the Farmington City Zoning Ordinance enacting text amendments regarding Planned Unit Developments, Apartments, and Condominiums in the General Commercial Zone, including language that the density was not to exceed 20 dwelling units per acre. **Sid Young** seconded the motion, which passed by unanimous vote.

**Mr. Young** expressed appreciation for the work and recommendation of the Planning Commission.

**Ms. Holmes** asked that Staff make sure traffic designs ensured safe and efficient transportation circulation.

### **PUBLIC HEARING: CONSIDERATION OF REQUEST BY R.K. BUIE COMPANY TO REZONE 6.8 ACRES IN THE FARMINGTON PRESERVE AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY FROM "R-4" AND "BP" TO "C" (Agenda Item #6)**

**Mr. Petersen** introduced the agenda item. He suggested that a motion for approval should be subject to the condition that the property owner and the City enter into an agreement whereby the property will be rezoned CMU (or other appropriate zone designation) upon the preparation and adoption of the CMU zone text by the City. Mr. Petersen stated that neighborhood residents were opposed to the project. They are not opposed to residential development but have concerns about density and traffic increases.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Kent Buie** (representing R.K. Buie Company, applicant) presented the site plan and stated that the entire development encompassed 55 acres of property. Only 6.8 acres were being requested for use for the multi-family project.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mr. Dutson** asked if the developer had done this kind of project before.

**Mr. Buie** stated that the design was unique and, although there were other areas of the country that had success with this approach, no examples existed in Utah. Farmington would be one of the first to develop the innovative housing style along the Wasatch Front. Mr. Buie had confidence in the builder's experience and design. He felt it would be a high quality project. He could provide the Council with a list of projects in surrounding communities that would somewhat represent the plan being proposed.

**Dan Lofgren** (representing Cowboy Partners) said there had been a great deal of study done regarding the housing style. It was neo-traditional and had no specific representative samples nearby. Other similar projects in the nation had had great success. He had total confidence in the project concept.

**Mr. Young** asked about the open space and trail development around the south end of the project.

**Mr. Buie** said that as the project moves forward the design would include a trail corridor.

**Ms. Holmes** asked for a clarification regarding the home owners' associations and the consent needed to change the use of the property to allow for residential development.

**Mayor Connors** stated the City Council was not being asked to make a legal decision regarding consent by home owners' associations. The City Council had the right to decide for the City whether or not the project would be beneficial for the citizens. The City Council could consider all the input given, but was not required to decide on home owners' association legal standing.

**Mr. Hale** stated the area had not to this point developed fast enough to promote the sale of the dwelling units. However, the current proposed project will likely enhance the properties already

there. As the trails and parkways are constructed, the entire area will improve in quality. Because of the transportation plans now in place, Mr. Hale felt the traffic increase would not significantly impact the residents as had been feared by some residents. Mr. Hale felt the project would be a good project for the City.

### **Motion**

**David Hale** moved that the City Council approve Ordinance No. 2004-36, an ordinance amending the Zoning Map to show a change of zone for property located at approximately 850 North Shepard Creek Parkway from R-4 and BP to C. **Rick Dutson** seconded the motion.

**Mayor Connors** stated to the developer that in the past the City had experienced some frustration with other developers of the property which had returned to the City time after time requesting changes and accommodations. Both City officials and citizens had been troubled by the process. The City Council wanted the current project to go forward without adjustments or similar accommodations for future changes.

A vote was taken indicating a unanimous affirmative vote.

### **PUBLIC HEARING: CONSIDERATION OF REQUESTS FOR “YOUTH SPORTS USE” AT HERITAGE PARK (Agenda Item #7)**

**Mayor Connors** and members of the City Council had received a number of emails, phone calls, petitions, and correspondence regarding input about the use of Heritage Park. The Mayor and Council members appreciated the comments. There would no doubt be people speaking on both sides of the issue. He reminded citizens that Farmington has a tradition of having active and lively discussion. There was also a tradition of disagreeing in an agreeable manner. He appreciated and expected citizens to approach the discussion in a civil and respectful fashion. He asked that there be no applause or audience outbursts. He knew that those attending would give their input in a rational and appropriate fashion. Mayor Connors also requested that those speaking not repeat what had already been expressed. There would be no time limit. Everyone wishing to voice their opinion was welcome to do so. He said that one thing that was generally not useful was for people to single out individuals or to cast dispersion on the character of any one individual. He also asked that speakers address their comments to the Council and not the audience.

Information contained in the packet explained that the Leisure Services Master Plan adopted by the City Council recommended the purchase of larger parcels of land for community parks to accommodate play fields. The definition given in the plan for a “community park” as defined by the National Parks and Recreation Association (NRPA) is “*a large area with structured recreation opportunities (youth sports) along with passive recreation.*” The recommended size of community parks was 15 to 25 acres. The Plan indicates the City should try to upsize its community parks. The plan does list three fully developed parks as “community parks.” The plan also recommended

Heritage Park (the Oakridge Park) to be a “community park.” Community parks are supposed to accommodate, among other things, “sports fields” and “structured play.” “Structured play” means youth sports. Because of the cost of land in Farmington, our community parks are not as large as they should be. Nevertheless, they all contain sports fields.

Other facts presented included:

- Financing of City Parks (including Heritage Park) is funded through *City-wide* property taxes.
- Parking is superior at the Heritage Park to other parks in the City. Safety is always a consideration.
- Neighbors of all community facilities share in the negative impacts.
- The City is unable currently to provide any other site for structural sports as advantageous as Heritage park. The City’s population and need for the playing fields are increasing.
- Parks considered as neighborhood parks are smaller and more passive without the room for a playing field.
- In the past, City Councils have set limitations and restrictions on parks because of close neighbors. Doing so has set precedents which have negatively impacted the citizenship of Farmington.

City Staff recommended that Heritage Park be used as a *community park* to include use of the grounds as a playing field for “structured” recreational-type sports benefitting Farmington youth. Such use would exclude the use of the fields by high school play or practices. The proposed use of the play field would be for football games to be held on Saturdays for approximately 6-8 weeks.

**Mr. Petersen** gave a brief history of the development of the Park. He showed a master plan of the site originally considered by City officials. In 1996 there had been plans for soccer fields, ball diamonds, and tennis courts. As U.S. 89 was redesigned the Park acreage went from 18 acres to just over 10 acres. The reason the developer was allowed a higher density for the subdivision surrounding the Park was because the developer donated part of the property for the park. The City Council proposed a bond election in order to obtain funding to make the park improvements. Originally, Heritage Park had been planned as a community park, which included playing fields. The bond election was promoted under the rationale of the Parks and Recreation Master Plan. Mr. Petersen detailed the dates of process and the different site plans (landscaping, etc.). Planning Commission

minutes of the public hearing held January 9 were reviewed, including conditions set for the development of the park.

**David Hale** reviewed how the park property had been acquired. There had been a group of citizens who had pushed for the acquisition of property and for park improvements. Mr. Hale stated that City staff had been disappointed in the size of the final park.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing. He then turned some time over to Viola Kinney, Leisure Services Director, to explain the recommendation from the Leisure Services Board.

**Viola Kinney** stated that basically what the Leisure Services Board was asking for was to allow Farmington football teams to play home football games at Heritage Park. She had given the City Council a information sheet covering football statistics over the past year. There have been 3 to 6 teams in the past. Last year there were 6 teams. The home games would begin at 8:30 A.M. and would last through the day on Saturdays until 3 :30 P.M. The season lasts for approximately 6 weeks. City work crews begin setting up the field for play at 7 A.M. Clean up is accomplished by staff. There are concessions brought in each game day and taken down after the games. Ms. Kinney stated that the Leisure Services Board had asked that the City Council also consider purchasing a score board for use at the games. The score board could be permanent or portable. The program affects about 120 Farmington youth. If Heritage Park were designated as a home game field, no team could practice there during the week. That policy is in place to protect the field. When asked about the possibility of holding the games at other parks in the City, Ms. Kinney stated that South Park has a slope of about 6 to 8 percent grade, which is not the best playing field. It is also necessary that City personnel are able to maintain any field used. Fields belonging to the Davis School District do not accommodate that need. Ms. Kinney stated that Heritage Park was the best and the safest location for the game at this point in time.

**Mr. Young** reported that in order to level the South Park playing field it would take an estimated \$10,000 for drainage problems. That is just a rough estimate the Public Works Director had given him. That would not include any other improvements.

**Ms. Kinney** said safety issues exist at South Park, such as having players going from grass to dirt and visa versa while running. In response to questions, she said game days were on Saturday and would likely only run for about 7 weeks. Abuse to the field would be minimal.

**Leslie Foy** (1539 North Oakridge Park Drive) asked if the grade at Heritage Park was level enough for the football game. He said he had strong concerns in that the area had two P.U.D.'s with narrow streets, frontage roads, speeding traffic, and a condo adjacent to the property. There was already a large amount of local traffic on narrow streets. Will there be a change in the landscaping

of the park? The residents voted for a bond increase to fund the park. It is currently used as a family park. If the football play was allowed, then the bowery couldn't be used on Saturdays. There are several unique types of trees which are trying to be established. There are basins and berms to cut down on potential flooding. The current landscaping cuts down on traffic noise. All that would be destroyed to accommodate the football play. Most parks in cities are developed in connection with the public schools. Parks do not all have to have the same purposes. Some park areas are adjacent to the school and already have the playing fields provided. Mr. Foy did not see the need to change Heritage Park from a family park . There are other areas that will be developed and that could have parks constructed to provide playing fields. He suggested the City build a sports park adjacent to a school.

**Mayor Connors** reported that Heritage Park was graded at approximately 2 percent. To his knowledge there was no plans to change the landscaping of the current park. The proposal to use the Park for football was a temporary seven- week use. The proposal was being made because of parking and safety issues addressed by the Staff.

**Don Barnes** (1563 North Oakridge Drive) stated the Park was currently a great benefit for the neighborhood. The seniors like the ambiance of the park. He was concerned about the noise and large number of participants if the football games were brought to the Park. The games would disrupt the neighborhood. He asked if there were plans for outdoor lighting.

**Mayor Connors** responded to Mr. Barnes questions because he said they were common in many of the emails he had received. There was currently no proposal for outdoor lighting. The original plan included baseball diamonds and soccer fields. However, there are no current plans for such additions.

**Mr. Barnes** said his other concerns involved parking availability. If the games were allowed in the Park, participants would park on both sides of the road which would create a dangerous situation for small children.

**Camille Elkins** (1222 West Carston Court) stated that Heritage Park was the only park west of U.S. 89. It was the only park where families can access without crossing the very dangerous highway. Changing Heritage park to a sports park would limit the families access to it. It was currently a good place for families to enjoy the out-of-doors and enjoy recreation and exercise. Parks improve the quality of life for the citizens. Organized sports also enhance the quality of life but all parks shouldn't focus on the same purpose. It may be true that the plan was only to have the games played on Saturdays for 10 weeks, but once an organized sport has been introduced then the character of the park will be changed. Heritage Park is a lovely park. It's quiet is appreciated. The quality of life of nearby residents is being compromised. Safety is also a big issue. Parking has not been planned for large events like organized sports. The church parking lot adjacent to the Park may not be available. Noise would impact the neighbors in a negative way. Community members were involved in designing the park. To change that so quickly was troublesome because the hard work

of the citizens would be negated. Ms. Elkins asked if the City Council had access to survey results taken just before the bond election was held. She strongly opposed the change of Heritage Park from a family park to a sports park and didn't think the change would stop with football.

**Tani Downing** (1545 Pinehurst Lane) was opposed to the plan to have football games at Heritage Park for several reasons. The Leisure Services Master Plan did not specify the park to be constructed in the Oakridge area as a community park. It was to be developed as a small community park or a large neighborhood park. It could have been either. When considering development of the park, people were given a list of activities to choose from for which the park could be used. That list did not include football. In the survey conducted, other types of playing fields were referenced, but not football. The neighbors in voting for the bond election to fund the park had an expectation for the park. That expectation was for the park as the way it is currently (other than the fact that they wanted to include a water play area). Ms. Downing reviewed many documents used in promoting the bond election and in discussing uses of the park. None referred to football. They all referred to uses for the park in the condition in which it currently exists. Ms. Downing asked what happened to the \$180,000 raised through grant applications and whether or not that money could be used to improve South Park for football play.

**Mayor Connors** stated that money was used to develop Heritage Park. Several of the bond election projects had to be scaled back because of lack of funds. The grant money was one source of revenue for the projects. There was no money left.

**Ms. Downing** continued that the City Council minutes contained no discussions of football program in any of the parks. There was one discussion of baseball diamonds. There was nothing about organized sports. Citizens were never informed of any plans to include organized sports in Heritage Park. Literature regarding the park stated it would be a place for citizens to gather, walk, and jog. The Oakridge area contained the highest number of voters voting in favor of the park. A petition had been submitted to the City Council with 120 signatures in opposition to the use of the park for football games. The parking lot on Saturdays was already full and that was without organized sports. There were already people parking on the streets and at the church. The streets in the neighborhood were narrow. The streets would present a liability to the City because of the children in the roads trying to get to the activities. She asked the City Council to consider looking at the other parks for the football games.

**Gary Forsberg** (1677 Oakridge Park Drive) stated he was a great proponent of organized sports. He had paced off the area in Heritage Park and felt it was, simply not appropriate for football because it was not big enough. Traffic in the area moved extremely fast. Safety problems would increase. Neighbors voted for the bond with expectations of a neighborhood park. It should be left as it is.

**Dale Sampson** (1149 On the Greenway) stated the park, if approved for football use, would be occupied in the prime time of the fall of the year. He wondered where families would go to have

use of a park during the football season. He also felt that the park would eventually be over run with organized sports. Programs for kids were good, but Heritage Park was not adequate for football use. He felt if approved, the decision would benefit a few to the detriment of many.

**Tina Tate** (1420 South 50 West) stated her back yard abuts South Park. She has lived in Farmington for 22 years. She had also voted in favor of the bond issue to improve the parks. She had experienced the football program in her back yard and the participation is great. Many parents come to participate and watch. The noise is not over-powering. The Saturdays being used are not consecutive. Set up time is quiet. Games begin at 8:30 A.M. There is a scoreboard at South Park, but the lights are off by 10 P.M. She stated there is also a frontage road near South Park that includes fast traffic. There is limited parking also at South Park. The atmosphere at South Park has not changed due to the games. People can still use the park and access the boweries. Citizens around South Park found no disruption because of football.

**April Hutchinson** (1697 North Saint Andrews Drive) felt it was good to hear comments from the person living near South Park. It made her think that if something was not broken, then don't fix it. Ms. Hutchinson felt that the football games should be left at South Park. South Park looked as if it were planned for organized sports. Heritage park was landscaped nicely and would remain a lovely park unless football was allowed to happen there.

**Jason Barton** had just moved to Farmington from out of state. He had participated in sports and was a great supporter of football. He had been involved in creating a football field in another area. He had noticed the existing South Park had a significant downward slope. It is a bad field for football. Heritage Park is more than adequate in size. If the City decided to try and fix the South Park, it would need to be graded and the cost would likely be much more than \$10,000. New sod and other improvements would be needed. Drainage would have to be redone. Regarding the safety issues, no park is without streets to cross. There needed to be cross walks, speed limits, and enforcement. Soccer is more damaging to turf than football. The Leisure Services policies do not allow practice on a game field in order to protect the field. The Heritage park field needed to be designated as a home field. Mr. Barton also stated that one park would not be enough. There was a need for more parks to be used for organized sports.

**Cheryl Landheim** stated her house backs on Heritage Park. Many of the neighbors came to the Planning Commission meetings where the Park was discussed. Citizens already voiced opposition to any use of the park other than as a family park. Citizens and City officials in those meetings stated that open space was not to be used for organized sports. In meetings regarding the bond election, the park was not represented as a sports park, but as a passive park. If it had been, the bond would not have passed. Citizens were assured that it would be a passive park and not a sports park. There was a lack of adequate parking. Traffic coming down the hill traveled too fast. There will be a noise pollution for families who live around the park if football was allowed. It would impact the use of the park by the residents. Sports park use would attract people from other towns. Youth sports was important, but organized sports was not more important than families or neighborhood

quietness. City officials assured citizens that the park would be a good neighbor. She stated she would be willing to campaign for funds to improve South Park.

**J Golden Barton** (1163 Tee Time Drive) told the story of when he was a boy and played football behind Farmington Courthouse. The Sheriff came by and told the boys they could not play there and never to return. Mr. Barton organized 15 boys. They decorated bicycles and made signs that read "This town unfair to boys." They paraded in front of the Courthouse. An article was written in a Salt Lake newspaper. The City Council invited him and his friends to a meeting. The City ended up with a lighted tennis court, shared time on the ball courts, cut grass for use by the football players.

Last fall a team was practicing at Heritage Park and the police showed up. The boys were told they had no business playing at the park. Mr. Barton said he has coached football for years and it is wonderful activity for boys. The Leisure Services Board was trying to cooperate with the needs of the youth of the City. It is not possible to play in the mud behind Knowlton. It is not good, even unsafe. Because of the water table in the area, the problem will never be corrected. He would like to have his grandchildren be able to enjoy of the park, playing ball games of every kind. Let the sounds of the children be heard. Heritage Park needed to be more than a private club house park for the use of just a few. It should be used by everyone. Safety is better at Heritage than at South Park.

**Grant Anderson** (1523 Sweetwater Lane) stated he has coached football in other cities. He has years of experience. The value of the football program was unquestionable. The value of Heritage Park, the way it exists currently, was unquestionable. It is a unique park. It is a nice place. He asked the City Council to contemplate the decision very carefully. The bottom line was whether or not they would make a change in the spirit and nature of the park. He asked that the Park be kept the way it is.

**Wendi Egbert** (1213 Pinehurst Circle) stated she was a member of the Fieldstone Homes Board. She has lived in the area for 20 years. Last fall, the sod at the Park was only a week old when boys began to play on it. The call to the police was made to protect the new sod. Ms. Egbert had worked very hard on the bond election to get it passed. It had been her expectation that the park would be a passive one. Ms. Egbert felt there needed to be a park on the west side that would be constructed with organized sports specifically in the plans.

**Jay Barton** (1119 West Tee Time Drive) stated that parks are meant for kids. It is a great sound to hear a park full of the joy of children at play. He said he was passionate about football. Football in Farmington is on the rise. He asked that the City Council let the games held at Heritage Park. There are 160 families who would be using the park well.

**Delonne Anderson** (1573 Sweetwater Lane) said the parks are not just for children but for people of all ages who want to use the park for all kinds of activities. He had voted for the bond election and complimented the City for building such a beautiful facility in such a short period of time. He said he loved football but did not feel it belonged in Heritage Park. The game needed to

have a dedicated field. If football is allowed at the Park other organized sports would follow. The citizens were told it would be a passive park and it should remain so.

**Norene Barton** (1163 Tee Time Drive) said she appreciated the comments about family. Football was all about family. The game would only be played for 10 days out of 365. The church could be used for parking. All the people could still use the park.

**Jack Swindle** (1175 Tee Time Drive) stated he loved football. It was his favorite sport. He asked that the City Council approve football in Heritage Park so that he could ride his bike to play football.

**Sandy Weeks** (1199 Oakridge Park Drive) stated the Park was next to her lot. She felt that allowing football in the park would be doing something for a few people in opposition to what would be better for the most people. She stated she was not opposed to football, but did not see the necessity of having it at Heritage Park. She felt the City should look at the other alternatives. It was taxpayer money that had paid for the park and its upkeep. Those who were a part of the decision to create the park should be the ones who decide how it is used. The park made so many people happy the way it is. Heritage Park was not an Oakridge park, it was for all the entire community. But the Park abuts several homes. The park is already being used for fun family activities and for more passive activities. Neighbors do hear the joyful noise of active children. The Park was being used for the use which citizens wanted. Moving football into the park would be against the wishes of the voters. If there was a need for another facility to provide for football, then there needed to be a new park constructed. Ms. Weeks asked the City Council to put the issue to the vote of the people to decide. Heritage Park would be exposed to people coming from other communities if football were to come to the park. She was concerned about increased crime for the area. She also stated that the easiest access for parking was in the residential area rather than the parking lot or 1075 West and would be a cause for traffic safety.

**Mary Unnessian** (North Oakridge Park Drive) stated she loved sports of all kinds and even had a severe injury from playing on a bad field. Her home was the fourth house from the entry to the Park. She has an autistic son and the traffic would be a danger to him. People will park in the neighborhood because parking is inadequate at Heritage Park. It is an easier access to the Park through the neighborhood. There is also a speeding problem in the area. She felt Heritage Park should not be used for organized sports. The City needs to find another park for that use.

**Erin Marshall** (1557 Oakridge Park Drive) had been very involved in the support of the park. She wanted to keep it the way it is. She would support getting a sports facility somewhere else. She felt that if the City allowed football at Heritage Park, they misled the citizens and it would divide the community. She felt that as other communities are invited to use the park it would be a threat to the safety and peace of Farmington. The vast majority of the citizens in Fieldstone Homes were against having football in Heritage park. She is a great advocate of sports but was willing to drive a distance to keep Heritage Park safe.

**Barry Robertson** (1155 Tee Time Drive) has 2 boys that played football. His sons had been kicked out of the park by police. Because of the conditions of the field at Knowlton Elementary, no one will practice there. They will practice at Heritage if it is not designated as a home field, and they will practice 5 days a week. There is no clean up after the practices. South Park has always been cleaned up after games. It has been left immaculate.

**Camille Elkins** (1222 West Carston Court) asked a question about what would happen if the park were designated as a playing field, would there be a sign on the field that it could not to be used for practice? If so, would that exclude families from playing?

**Mayor Connors** stated that under those circumstances, he believed the park would be open for general use, but not for practice by organized teams.

**Mayor Connors** reminded the audience that no City Council has a right to bind future City Councils. Therefore, everyone should recognize that regardless of the outcome of tonight's vote, a future City Council could come to a different conclusion and make a different decision.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**David Hale** stated there had been many public meetings held regarding the park and its use. Early plans for the park included a lot of sports activities. As time went on, the sports activities were eliminated, with the exception of the water park idea. Football was never brought up, largely because of citizen input. He, himself, said it looked like a family park. Neither himself nor Ms. Holmes felt that league play should be a part of the park. Others on the Council may feel differently.

**Susan Holmes** stated she had become very involved in the support of the bond election that provided for many improvements throughout the City. She had even personally paid for advertizing to encourage support and passage of the bond. It had been the first year of her service on the City Council. She felt that she had learned since then that no City Council can bind the actions of future City Councils nor could any individual Council Member speak for other Council Members with whom they worked. She had had a great deal of input regarding the issue now before the Council. She had just arrived in town and found many emails to which she had not had time to respond. There had been a water park planned for the Park, but it had to be cut because of financial reasons. There are a lot of people at that park all day long. Football and a water park would bring people in from other communities. Ms. Holmes was in favor of sports programs. They had an important place in community life. She was also in favor of the arts programs. She did not want the City's parks to have too many restrictions, but to be used by many people for many reasons. She felt she had never said that the Heritage Park should be a passive park and it would not have been one if the water feature had been constructed. She did recall discussions about not having organized sports in the park. There

had been discussion, however, about using the open space for unofficial games. There were safety concerns at all City parks. She felt it would be safer to have football played at Heritage Park, especially in light of that fact that it would only be for 10 Saturdays a year. However, since she had told citizens in the past that there shouldn't be organized sports there, she would remain committed to that concept. She would stand by what she had said.

**Rick Dutson** said he had lived at both ends of the City. He hasn't had the time to really enjoy Heritage Park yet. But he was very familiar with the park and found both Heritage and South Park distinctly different. He appreciated the input by citizens and wanted to be sensitive to their feelings. He had a son who at 10 years of age very much enjoyed playing football. In the area where they lived at the time, they played league ball at a local high school. They would practice at one high school and go to another for the game. He felt the City had not pursued all available options. The schools have playing fields that should be used by the community that paid the taxes to construct them. He wanted to have the City go to the Davis County School District and arrange for the use of their facilities. He was very concerned about safety issues, parking concerns, and negative impacts on neighborhoods. He asked, what would it take to get the permission of the School District to use their facilities? Other communities achieve the goal. If there was a concerted effort by organized citizens then a way could be found.

**Sid Young** said that if Heritage Park was not designated as a home play field, then the park could not be restricted for use as a practice field by teams. It was essential to have a good field on which to play. Public passion is very important to the City Council. He said he thought regardless of what was done, the City should try to provide a good field for the football program. It would more than likely take more than \$10,000 to improve South Park for the use. There are no junior high schools with football fields in Davis County. With the challenges of the School District, it would be hard to get them to allow play on their fields.

**Larry Haugen** has been on the City Council for 9 years. One of the first meetings he attended there was talk about trying to buy property for the Heritage Park. UDOT over the years had taken more and more of the property. Mr. Haugen stated that everyone should be allowed to use City parks and that one park should not be for limited use. He felt that since the request for use at Heritage Park was only for a few Saturdays each year, it should be allowed on a temporary basis until a more suitable place could be found. Boys needs a place to play for a few weeks out of the year with restrictions.

**Mayor Connors** told citizens that the City was trying to purchase additional property in the southwest part of the City. The City already owns land south and east of the Davis County Fair Park. There is no contemplation of a large sports complex at Heritage. It would be more appropriate near the Fair Park if enough land could be obtained. It is anticipated development of new park won't be place until the year 2015 after current loans are retired.

**Motion**

**David Hale** moved that the City Council deny the request to have City Staff proceed with plans to have youth football at Heritage Park and that the City Council direct there be no organized league games played at Heritage Park. Further that the City look into improvements to South Park to make it more suitable for football games, and talking with the Davis School District about the use of their facilities for organized league games. **Rick Dutson** seconded the motion. A roll call vote was taken. All members of the Council voted in favor of the motion with the exception of Larry Haugen who voted in opposition to the motion. The motion passed 4 to 1.

**RECESS**

**Mayor Connors** recessed the City Council meeting at 11:15 P.M.

**RECONVENE**

**Mayor Connors** reconvened the City Council meeting at 11:25 P.M.

**CONSIDERATION OF MURRI CONSTRUCTION CLAIM LETTER (Agenda Item #8)**

**Keith Johnson** reported that Murri Construction had equipment and materials in the road when City crews were handling an emergency situation and mitigating flooding problems in the Compton Bench area at the time of the recent mud slides on April 6, 2004. Murri Construction is claiming that some materials were damaged by City crews in the cleanup effort. Murri Construction wants the City to pay for damages to those materials.

**Motion**

**Rick Dutson** moved that the City Council authorize the payment of \$800.00 to Murri Construction contingent on the direction recommended by the City Attorney and/or URMMA officials. **David Hale** seconded the motion, which passed by unanimous vote.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)**

**Larry Haugen** moved to approve the following items by consent as follows:

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Ratify City Manager's decision to increase traffic engineering scope of work for Clark Lane/1100 West intersection.
3. Approval of July's *Newsletter*.

**Sid Young** seconded the motion, which passed by unanimous vote.

**ORDINANCE ADJUSTING THE EXISTING COMMON BOUNDARY LINE BETWEEN FARMINGTON CITY AND FRUIT HEIGHTS CITY AND RELATED INTERLOCAL AGREEMENT (Agenda Item #10)**

**David Petersen** reviewed the agenda item with the City Council. There had been discussion in previous meetings regarding the issues. The piece of property being annexed to Farmington City would come in as LR-F. The Council was being asked to consider the interlocal agreement between Farmington City and Fruit Heights City, the development agreement between the City and the Hawkins Companies, and the ordinance adjusting the boundary lines between the two cities. Mr. Petersen detailed changes and elements of the three documents. Fruit Heights would consider issues at their City Council meeting on June 22<sup>nd</sup>. It was important to Fruit Heights that Compton Road be connected through to Mahogany. The City Attorney had reviewed all three documents.

**Mayor Connors** felt there was language in the agreement with the developer that was not totally clear regarding the road improvements and when they would be completed. The Mayor and City Council discussed the issue with the developer.

The developer indicated they planned to begin work on the road connection within one year of the time work began on the northern section of the subdivision.

**Mayor Connors** stated that the time limit needed to be more definite and that a completion date needed to be specified. He did not feel the development agreement should be approved until language for such could be clarified.

**David Hale** asked if all other issues had been resolved, such as drainage, sewer, road connections, trail corridors, and reimbursements, etc.

**Susan Holmes** wanted assurances that Harley and Jean Evans, who were in attendance, had their issues resolved and concerns met.

**Mr. Petersen** stated that all issues had been resolved so far. He said the City would like to obtain an additional easement for access to the cul-de-sac. The agreement contained a clause which stated that if access was not obtainable, then the developer would have to find another resolution.

**Paul Hirst** stated that the 25 foot flow path means that there needs to be an emergency flow path for flood waters. The width needs to be either 15 or 25 feet away from the back of the houses until it can reach a road. Drainage will be piped under the flow path but water which cannot be contained in the pipe must have a flow path. He felt a 21 inch pipe was needed for the drainage.

**Jean Evans** expressed concern about the slope of the flow path to get the water down to where it needed to be. She felt the slope was not steep enough.

**Harley Evans** discussed head pressure and the fact that head pressure was not present at the beginning of the pipe intended to drain run off away from homes.

**David Hale** stated the City needed to make sure the development agreement had sufficient control to provide security to Farmington citizens.

**Mayor Connors** said the City must be satisfied that the flow path would do the job and that it could not thereafter be altered. The subdivision drainage system had to be designed to City standards and the City must retain sole discretion over the system.

### **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-37, an ordinance adjusting the existing common boundary line between Farmington City and Fruit Heights City; that the City Council approve the Inter-local Agreement between Farmington City and Fruit Heights City regarding the Deer Crest Subdivision; and that the City Council approve the Development Agreement with Hawkins Companies contingent on agreement being met with all parties concerned on a time limit for construction and completion of the road. City staff, including the City attorney and the Mayor, may conduct a final review and make minor revisions where necessary and thereafter the Mayor is authorized to sign the documents. **David Hale** seconded the motion, which passed by unanimous vote.

### **ASSUMPTION OF RISK AGREEMENT WITH WOODSIDE HOMES PERTINENT TO DEVELOPMENT OF HUNTER'S CREEK SUBDIVISION (Agenda Item #11)**

**Mr. Johnson** stated that the agenda item was not ready for consideration by the City Council.

### **RESOLUTION AMENDING GARBAGE COLLECTION RATE (Agenda Item #12)**

**Keith Johnson** stated that the Council they had conceptually approved increased rates for garbage container fees. The rates for the first container would go up from \$14.75 per month to \$15.00 per month. The second container collection rate would increase from \$6.50 to \$8.00 per month.

### **Motion**

**Larry Haugen** moved that the City Council adopt Resolution 2004-38, a resolution amending garbage collection rates for automated collection of garbage within Farmington City. **Sid Young** seconded the motion, which passed by unanimous vote.

**THIRD AMENDMENT TO AGREEMENT WITH LAGOON RELATED TO EXTENDED POLICE SERVICES (Agenda Item #13)**

**Motion**

After a very brief discussion, **David Hale** moved that the City Council approve the Extended Police Services Agreement Amendment with Lagoon. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**ORDINANCE AMENDING SECTION 8-1-106 OF THE FARMINGTON CITY CODE REGARDING FEES AND CHARGES FOR THE FARMINGTON CITY CEMETERY (Agenda Item #14)**

**Keith Johnson** stated the changes in the fees and charges for the Farmington City Cemetery were recommended during budget work sessions. The increases cover payroll costs for weekend or after-hours' burials.

**Motion**

**Sid Young** moved that the City Council approve Ordinance No. 2004-39, an ordinance amending Section 8-1-106 of the Farmington City Code regarding fees and charges for the Farmington City Cemetery. **Susan Holmes** seconded the motion, which passed by unanimous vote.

**REPORT ON MEETING WITH POST OFFICE OFFICIALS/LARRY HAUGEN AND SUSAN HOLMES (Agenda Item #15)**

**Ms. Holmes** reported meeting with Post Office officials. The officials are proposing to use property west of the Post Office to improve parking and access to the building. The drop box will also be moved to improve traffic circulation and flow. The Post Office has no money for landscaping. Plans will be going before the Planning Commission soon.

**Keith Johnson** stated that the City Manager felt the School District may be willing to landscape the property in exchange for some temporary parking.

**Mr. Haugen** raised the issue of sight distance problems on that corner.

**REPORT ON MEETINGS WITH U.S. FOREST SERVICE AND COUNTY REGARDING CONSTRUCTION OF DEBRIS BASINS ON COMPTON BENCH/KEITH JOHNSON (Agenda Item #16)**

According to packet information, Keith Johnson met with the U.S. Forest Service and Davis County officials on Wednesday, June 16. A preliminary design went into the Forest Service for

construction of debris basins on Compton Bench east of North Compton Road and north of Stevens Circle. A number of requirements need to be addressed including:

Who will apply for the special use permit to have the debris basins constructed?

Who will construct the debris basins?

Who will maintain the debris basins?

It appeared that Farmington City should file the special use permit request to the Forest Service (Kim Wallace of Davis County indicated that the County would likely not do that). In a conversation with Mr. Wallace, the City Manager was advised that the City should send a letter to the County Commission requesting them to assist in the construction of the basin and the long-term maintenance thereof.

**Keith Johnson** stated that if Davis County builds the detention basins, it will be completed this year. The Forest Service would fund 70% of the project, Davis County 15%, and Farmington City 15%. The City contribution would cover preliminary design costs and hook up to storm drainage on City lands. The Forest Service and the County would pay for everything else. As stated, Farmington City must request the permit. Davis County wanted Farmington City to accept liability.

**Mr. Hirst** stated that the City needed to take the responsibility of Stevens Circle. The Forest Service feels the basin should be on private property. Building the basin on Forest Service property would set a precedence they would rather not set.

**Mayor Connors** stated there are concerns by residents in the area. They would like to have an assurance that the reservoir will never break.

**Mr. Hirst** stated it would be impossible to give such an assurance. However, there will be two basins which will dissipate the energy of water flow and provide precious time. In his opinion, the homes will be better protected than without the detention basin. The anticipated agreement would provide that the County maintain the basins.

The City Council, by consensus, conceptually approved the action and directed City Staff to move forward with the project.

**Keith Johnson** stated there would be a letter drafted for the Mayor to sign.

## **MISCELLANEOUS**

### **Museum Issues**

Mr. Haugen stated there would be information prepared for the next City Council meeting regarding museum donations.

### **Firebreak Road Improvements**

Mr. Young reported having talked extensively to Kim Wallace of Davis County regarding the firebreak road and needed improvements. There would be a forthcoming agreement for consideration by the City Council regarding the City's portion of costs for the road improvements. The County would like help with property owners to obtain right-of-way agreements. Agreements will need to be approved between the City and the County and between the County and private property owners. They would like to have construction completed by this fall.

### **Police Car to Be Sold**

Keith Johnson stated the City's Police Department would like to sell one of the old patrol cars.

### **Motion**

**Larry Haugen** moved that the City Council declare the Police patrol car as surplus equipment. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **ADJOURNMENT**

**Susan Holmes** moved that the meeting adjourn at 12:20 A.M. **Rick Dutson** seconded the motion, which passed by unanimous vote.

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Margy Lomax, City Recorder  
Farmington City